



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

**ADMINISTRATIVE APPEAL REMAND MEMORANDUM**

MAR 14 2008

TO: **David Hardy**  
Unit Chief  
RIDS/RMD  
Federal Bureau of Investigation

[Redacted]  
Team Leader  
RIDS/RMD  
Federal Bureau of Investigation

FROM: **Melanie Ann Pustay**  
Director

**Janice Galli McLeod**  
Associate Director

SUBJECT: **Instructions for Processing Administrative Appeal Following Remand**

DOJ OIP 03-133	Regulation 03-133
Appeal No. 04-0886	Subject of Appeal 04-0886

The administrative appeal referenced above has been remanded by this Office to the FBI for further processing. At this time, please reopen this file and perform the following actions:

1. The original partial release was from a pre-processed file. Please re-process the file.

The OIP attorney reviewing this administrative appeal coordinated this action through [Redacted] of the RIDS/RMD. If you have any further questions concerning this action, please do not hesitate to contact [Redacted]

DJJ



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MAR 14 2008

Mr. Rob Evans  
The Guardian  
119 Farringdon Road  
LONDON EC1R 3ER

Re: Appeal No. 04-0886  
Request No. 989132  
ADW:SJV

Dear Mr. Evans:

You appealed from the action of the Headquarters Office of the Federal Bureau of Investigation on your request for access to records pertaining to Bob (Robert Nesta) Marley. I regret the substantial delay in responding to your appeal.

After carefully considering your appeal, and as a result of discussions between FBI personnel and a member of my staff, I am remanding your request for further processing of the responsive records. The FBI will send any and all releasable records to you directly, subject to any fees. You may appeal any future adverse determination made by the FBI.

If you are dissatisfied with my action on your appeal, you may file a lawsuit in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

Janice Galli McLeod  
Associate Director



Federal Bureau of Investigation

Washington, D.C. 20535

April 21, 2008

ROB EVANS  
THE GUARDIAN  
119 FARRINGDON ROAD  
LONDON EC1R 3ER  
ENGLAND

Request No.: 0989132- 001  
Subject: MARLEY, ROBERT NESTA

Dear Requester:

- ☒ This acknowledges receipt of your Freedom of Information-Privacy Acts (FOIPA) request to the FBI. The FOIPA number listed above has been assigned to your request.
- ☐ For an accurate search of our records, please provide the complete name, alias, date and place of birth for the subject of your request. Any other specific data you could provide such as prior addresses, or employment information would also be helpful. If your subject is deceased, please include date and proof of death.
- ☐ To make sure information about you is not released to someone else, we require your notarized signature or, in place of a notarized signature, a declaration pursuant to Title 28, United States Code 1746. For your convenience, the reverse side of this letter contains a form which may be used for this purpose.
- ☐ If you want the FBI's Criminal Justice Information System (CJIS) to perform a search for your arrest record, please follow the enclosed instructions in Attorney General Order 556-73. You must submit fingerprint impressions so a comparison can be made with the records kept by CJIS. This is to make sure your information is not released to an unauthorized person.
- ☒ We are searching the indices to our central records system at FBI Headquarters for the information you requested, and will inform you of the results as soon as possible.
- ☐ Processing delays have been caused by the large number of requests received by the FOIPA. We will process your request(s) as soon as possible.

Your request has been assigned the number indicated above. Please use this number in all correspondence with us. Your patience is appreciated.

Sincerely yours,

David M. Hardy

Dissemination Section

A handwritten signature in black ink, appearing to read "David Hardy", is located below the "Sincerely yours," text.

Section Chief,  
Record/Information

Records Management Division

U.S. Department of Justice



Federal Bureau of Investigation

Washington, D.C. 20535

May 13, 2008

MR ROB EVANS  
THE GUARDIAN  
119 FARRINGDON ROAD  
LONDON EC1R 3ER

Request No.: 0989132- 001  
Subject: MARLEY, ROBERT NESTA

Dear Requester:

The records that you have requested were previously processed under the provisions of the Freedom of Information Act for another requester.

Enclosed are 14 pages of documents that are being furnished to you at no charge along with a copy of the Explanation of Exemption form (OPCA 16a).

You may submit an appeal from any denial contained herein by writing to the Co-Director, Office of Information and Privacy, U. S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D. C. 20530-0001, within 60 days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIA number assigned to your request in your letter so that your request may be easily identified.

A handwritten signature in black ink, appearing to read "D. Hardy", is positioned above the closing text.

Sincerely yours,

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

Enclosure(s)

## EXPLANATION OF EXEMPTIONS

### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ( A ) could be reasonably be expected to interfere with enforcement proceedings, ( B ) would deprive a person of a right to a fair trial or an impartial adjudication, ( C ) could be reasonably expected to constitute an unwarranted invasion of personal privacy, ( D ) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, ( E ) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if disclosure could reasonably be expected to risk circumvention of the law, or ( F ) could reasonably be expected to endanger the physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.